

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Specification

The Examiner has objected to the title of the invention as allegedly not being descriptive. (See Office Action, page 4, ¶ 6.) Applicant notes the stated objection and will, in due course, provide a title of the invention that is clearly indicative of the invention to which the claims are directed.

Claim Status

Claims 1-26 are pending in this application, with non-elected Group I claims 1-19 and 24-25 having been withdrawn from consideration. Group II claims 20-23 and 26 are currently under examination. Of these claims, claims 20 and 26 are independent in form. Claims 22 and 23 have been objected to and claims 20-21 and 26 have been rejected. By this amendment, claims 23 and 26 are amended and new claims 27 and 28 have been added herein. No new matter is presented.

Election/Restriction

The Examiner claims that restriction to one of two allegedly distinct groups of claims is required. By the foregoing amendment, Applicant affirms the provisional election made with traverse in a telephone conversation with the Examiner to prosecute Group II (claims 20-23, 26).

Claim Objections

Claim 23 has been indicated as including allowable subject matter but has been objected to because of informalities as stated. (See Office Action, page 6, ¶¶ 10-11.)

Applicant has amended claim 23 and respectfully submits that this objection has been overcome or otherwise rendered moot, and that it be withdrawn.

Rejections under 35 U.S.C. §112

Claims 20 and 26 have been rejected under 35 USC §112 because of lack of antecedent basis for the use of “said image sensing device of said optical part.” As to claim 20, Applicant respectfully refers the Examiner to the preamble of the claim which establishes proper antecedent basis for “said image sensing device.” Applicant has amended claim 26 to recite “an image sensing device.” Accordingly, Applicant respectfully submits that these rejections have been overcome or otherwise rendered moot, and be withdrawn.

Rejections under 35 U.S.C. §§102(b) and 103

Claims 20-21 and 26 have been rejected under 35 USC §102(b) as being anticipated by Kanai et al. U.S. Patent No. 5,561,743 (“Kanai”).

Applicant does not agree with the stated rejections, respectfully traverses the rejections of these claims as follows.

In Kanai, only photosensors 21 and 22 may be referred to as an “image sensing element.” However, Kanai does not disclose an arrangement for adjusting positions of the photosensors 21 and 22.

Rather, Kanai discloses a collimator lens 12 arranged on a light path of a laser diode 11 and a cylindrical piezoelectric element 74 for moving the collimator lens 12. Further, Kanai discloses a cylindrical lens 13 arranged on the light path of the laser diode 11 and a linear motor 78 for moving the cylindrical lens 13. However, the cylindrical piezoelectric element 74 and the linear motor 78 are not an arrangement for adjusting a position of a (third) cylindrical member in accordance with a stepwise selectable pivoting angle of the (third) cylindrical member around the optical axis.

Furthermore, the description in col. 9, lines 20-42 in Kanai relates to measuring a beam diameter and is irrelevant to adjusting a position of an image sensing device or a member connected thereto.

Therefore, the present invention as recited in each of the independent claims is clearly distinguishable from Kanai in at least the respects set forth above and is not anticipated by Kanai for at least the reasons stated.

Dependent Claims

Applicant has not independently addressed the rejections of the dependent claims because Applicant submits that, as the independent claims from which the dependent claims depend are believed allowable for at least the reasons discussed *supra*, the dependent claims are believed allowable for at least similar reasons. Applicant, however, reserves the right to address such rejections should such response be necessary and appropriate.

CONCLUSION

In view of the foregoing, the present invention as recited in the claims presented herein is believed patentably distinct over the art of record and Applicant respectfully requests that the respective rejections be withdrawn and the application be allowed as the application is believed to be hereby placed in condition for allowance.

If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

Applicant believes no extension of time is necessary for this Amendment. Should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any

additional fees which may be required for this Amendment, or credit any overpayment, to
Deposit Account No. 13-4500, Order No. 1232-4705.


An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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